

## **11 FAM 800 ADMINISTRATIVE LAW**

### **11 FAM 810 ADVISORY COMMITTEES**

*(CT:POL-50; 10-28-2011)*  
*(Office of Origin: L/M)*

#### **11 FAM 811 GENERAL**

##### **11 FAM 811.1 Scope**

*(CT:POL-50; 10-28-2011)*

This subchapter applies to any advisory committee as defined by, and subject to, the Federal Advisory Committee Act (FACA), which provides advice to the Department of State or any officer of the Department. If there is any inconsistency between a provision of this regulation and FACA or the GSA FACA Regulation, those other authorities, as appropriate, will apply.

##### **11 FAM 811.2 Policy**

*(CT:POL-50; 10-28-2011)*

- a. Advisory committees are to be used for obtaining advice and recommendations on matters for which they were established.
- b. Unless provided otherwise by statute or Presidential directive, advisory committees must be used solely for advisory functions and only Department officers will take action or make decisions based on the advice or recommendation of an advisory committee. For the purposes of this provision, "Presidential directive" includes an executive order or Presidential memorandum.
- c. Meetings of advisory committees will be open to the public unless there is a compelling reason to close the meeting in accordance with 5 U.S.C. 552b(c).
- d. A sub-group or subcommittee of a chartered advisory committee that independently possesses significant characteristics of an advisory committee, such as fixed membership, periodic meetings, reporting

directly to Department officials, and other characteristics of advisory committees, will likely be subject to the requirements of FACA.

- e. Subcommittees of chartered advisory committees that report to the chartered committee will generally not be subject to the requirements of FACA.

## **11 FAM 811.3 Implementation**

*(CT:POL-50; 10-28-2011)*

The Committee Management Officer (CMO) in the Bureau of Resource Management administers the Committee Management Program for the Under Secretary for Management.

## **11 FAM 811.4 Regulatory Authorities**

*(CT:POL-50; 10-28-2011)*

- a. The Federal Advisory Committee Act (FACA), Public Law 92-463, 5 U.S.C. Appendix.
- b. 41 CFR Part 102-3 (GSA FACA Regulation).
- c. Office of Management and Budget Circular No. A-135 of October 5, 1994.
- d. 22 USC 2651a.
- e. Department of State Delegation of Authority No. 125, dated November 7, 1972: delegation of functions relating to committee management, from the Secretary to the Under Secretary for Management.
- f. Department of State Delegation of Authority No. 157-1, dated September 29, 1991: re-delegation from the Under Secretary for Management to the Chief Financial Officer (the Assistant Secretary for Resource Management) of the authority to make determinations to close advisory committee meetings, and the authority to approve in exceptional circumstances the giving of less than 15 days public notice of an advisory committee meeting.

## **11 FAM 812 CREATING COMMITTEES**

*(CT:POL-50; 10-28-2011)*

Creation of advisory committees will be slightly different, depending on whether the committee is discretionary or statutory. Note that, if an advisory committee charter expires, the advisory committee may not meet, give advice, or make recommendations until its new charter is filed. The details are below.

## **11 FAM 812.1 Creating a Discretionary Committee**

*(CT:POL-50; 10-28-2011)*

- a. A bureau or an office desiring to establish a discretionary advisory committee must, in consultation with L/M, prepare a draft charter and membership balance plan (see 11 FAM Exhibit 812.1A). The charter and balance plan will follow the format in the Exhibits. L/M will forward both documents to GSA for consultation. When that process is completed, the sponsoring bureau must publish a notice in the Federal Register, notifying the public of the Department's intent to establish an advisory committee. A sample notice is at 11 FAM Exhibit 812.1B. The proposing organization must consult with the CMO before publishing the notice in the Federal Register.
- b. Fifteen days after the publication of the notice in the Federal Register, the bureau will send an action memo to the CMO setting forth the purpose, organization (including subgroups, if known), and a statement of the need for the particular committee.
- c. The CMO reviews the request and forwards the action to the Under Secretary for Management through the Assistant Secretary for Resource Management/Chief Financial Officer.
- d. Once the Under Secretary for Management signs the charter, then the Department must "file" the charter. Filing the charter consists of mailing it to the Senate Foreign Relations Committee, the House Foreign Affairs Committee, and the Library of Congress. H assists with this process.
- e. The charter of a discretionary committee lasts for a maximum of two years. The charter can be renewed. However, once the charter expires, the committee terminates; to continue the committee after expiration, the Department must re-establish it, just as it would establish a new committee.

## **11 FAM 812.2 Creating a Statutory Committee**

*(CT:POL-50; 10-28-2011)*

- a. The process for creating a statutory committee is similar to the process in 11 FAM 812.1, above. The primary consideration when dealing with statutory committees is that the terms of the particular statute must control in drafting the charter, in choosing members, and in holding the meetings.
- b. The Department need not prepare a membership balance plan for a statutory committee. See 41 CFR 102-3.60, which limits this requirement to discretionary committees.
- c. Charters for statutory committees have a maximum duration of two

years. Unlike discretionary committees, the committee does not expire upon expiration of the charter; however, the committee cannot hold a meeting until the charter is properly renewed. A sample charter for a statutory committee is at 11 FAM Exhibit 812.2. Remember that the authority for each statutory committee will be different; the authorizing statute is what controls. When the authorizing statute is silent, then FACA controls.

- d. Section 14 of FACA provides that, unless Congress provides the duration of a statutory committee, the committee will terminate two years after it is established.

## **11 FAM 813 MEMBERSHIP**

### **11 FAM 813.1 General**

*(CT:POL-50; 10-28-2011)*

- a. It is Department policy that members will be selected without regard to national origin, religion, race, sex, sexual orientation, color, or any other factor irrelevant to an individual's performance on an advisory committee.
- b. Members need not be U.S. citizens, unless the committee's authorizing statute or charter requires it. All officers and members of a committee must have a security clearance appropriate for the subject matter to be considered by the advisory committee.
- c. The substantive office sponsoring an advisory committee is responsible for access to and removal from official premises of classified material in accordance with the Department's security regulations. Questions regarding security procedures should be directed to Diplomatic Security.

### **11 FAM 813.2 Scientific Advisory Committees**

*(CT:POL-50; 10-28-2011)*

Scientific and technological information sometimes contributes significantly to Department policies. Some of the Department's advisory committees are scientific in nature. It is Department policy that all advisory committees will: operate within a culture of scientific integrity; strengthen the actual and perceived credibility of Government research; facilitate the free flow of scientific and technological information, consistent with classification standards; and encourage ways of conveying scientific and technological information to the public. The following principles govern membership on Department advisory committees:

- (1) The recruitment process for new members will be as transparent as

practicable. The Department will announce the names of members, including notification in the Federal Register, with an invitation for the public to comment or recommend individuals for consideration.

- (2) The Department will disseminate professional biographical information (including affiliations) for appointed scientific advisory committee members as widely as possible, subject to the Privacy Act and any other statutory or regulatory considerations.
- (3) The selection of members to serve on a scientific advisory committee will be based on expertise, knowledge, and the individual's contribution to the relevant subject area. Additional factors include, but are not limited to: the availability of the member to serve, diversity considerations, and the ability to work effectively on advisory committees. As with all advisory committees, membership on scientific advisory committees should be fairly balanced in terms of points of view represented with respect to the functions to be performed by the advisory committee.
- (4) The Department will make conflict of interest waivers ("ethics waivers") publicly available, to the greatest extent possible.
- (5) As with all advisory committees, all reports, recommendations, and products produced by scientific advisory committees will be treated as the findings of such committees rather than of the U.S. Government, and will not be subject to intra- or interagency revision, unless otherwise provided by law or agreement between the Department and the advisory committee.

## **11 FAM 814 CHARTERING COMMITTEES**

### **11 FAM 814.1 Requirements**

*(CT:POL-50; 10-28-2011)*

- a. Before holding a meeting, each Department advisory committee subject to FACA must have a charter approved by the Under Secretary of State for Management and filed with the CMO, the Senate Foreign Relations Committee, the House Committee on Foreign Affairs, and the Library of Congress. A charter is "filed," when placed in the mail or otherwise transmitted to those entities. Once the charter is filed, it must be provided to the Committee Management Secretariat, indicating the date the charter was filed with those agencies.
- b. Subcommittees need not be chartered separately. However, if the subcommittee has the characteristics of an advisory committee, such as

reporting directly to the Department instead of to its associated chartered committee, it may be considered to be subject to FACA and may be required to file a charter and comply with FACA.

## **11 FAM 814.1 Amendments**

*(CT:POL-50; 10-28-2011)*

- a. The charter of a committee may be amended, as necessary. The process is very similar to a charter renewal.
- b. A proposed amendment must be approved prior to any committee activity to which the proposed amendment relates.

## **11 FAM 815 ADVISORY COMMITTEE MEETINGS**

*(CT:POL-50; 10-28-2011)*

The term "meeting" covers any situation in which two or more members of an advisory committee formally convene, with a prescribed agenda, to transact committee business.

### **11 FAM 815.1 Designated Federal Officer (DFO)**

*(CT:POL-50; 10-28-2011)*

- a. No advisory committee may hold a meeting in the absence of the DFO.
- b. The DFO's responsibilities include:
  - (1) Approving agendas for meetings;
  - (2) Calling or approving meetings;
  - (3) Adjourning any meeting whenever he or she determines it to be in the public interest.

### **11 FAM 815.2 Timing of Meeting Notice**

*(CT:POL-50; 10-28-2011)*

- a. Advisory committees must publish a notice of each meeting in the Federal Register at least 15 calendar days prior to the meeting date, except in exceptional circumstances, in which case the DFO must consult with L/M and must include the specific reason for a notice of less than 15 days in the Federal Register notice. A sample notice is at 11 FAM Exhibit 815.2A.
- b. The office supporting the advisory committee:

- (1) Prepares the Federal Register notice, along with any media note;
  - (2) Obtains appropriate bureau and L clearances; and
  - (3) Delivers the notice and the media note to the CMO for action. A sample media note is at 11 FAM Exhibit 815.2B.
- c. The office supporting the advisory committee is responsible for meeting publishing deadlines. Due to workload issues, there may be delays in the Department's clearance process, as well as delays in Federal Register publication. The Department is responsible for all delays.

## **11 FAM 815.3 Contents of Meeting Notice**

*(CT:POL-50; 10-28-2011)*

- a. A notice announcing an open meeting must state:
- (1) The name of the committee;
  - (2) The date, time, and place of the meeting;
  - (3) The agenda or summary thereof;
  - (4) That the meeting will be open to the public;
  - (5) The extent to which the public may participate in the meeting, either orally or in writing; and
  - (6) The name and telephone number of an individual to whom inquiries may be directed, including arrangements for those attending if the meeting is in a secure building.
- b. A notice announcing a closed meeting must state:
- (1) The name of the committee;
  - (2) The date of the meeting; and
  - (3) The reason or reasons which justify the closing of the meeting in the public interest.

## **11 FAM 815.4 Closed Meetings**

*(CT:POL-50; 10-28-2011)*

- a. An advisory committee meeting may be closed only in accordance with FACA and 5 U.S.C. 552b.
- b. Any determination to close all or a part of a meeting must be based upon specific reasons. If a meeting is to cover separable matters, only the portion of the meeting dealing with matters subject to 5 U.S.C. 552b may be closed.
- c. When a meeting or portion of a meeting is to be closed to the public, the

Federal Register notice must state the reasons for the closing. See 11 FAM Exhibit 815.4, and 2 FAM 1120 for instructions on publishing in the Federal Register.

- d. The written request for a determination by the Assistant Secretary for Resource Management/Chief Financial Officer that a committee may hold a closed meeting must be submitted at least 47 days before the scheduled date of the meeting unless the Under Secretary for Management determines that a shorter period of time is necessary.

## **11 FAM 815.5 Use of Social Media/Internet Technology**

*(CT:POL-50; 10-28-2011)*

- a. To provide greater public participation in its public meetings, an advisory committee may use any technology that allows simultaneous, real-time participation by members of the public, such as conference calls, streaming media and the like, provided that such tools are used in addition to meetings, properly noticed in the Federal Register, which members of the public are able to attend.
- b. The use of asynchronous media (such as blogs or microblogs) by members of an advisory committee must not substitute for a public meeting, even if the public is allowed to submit comments. Public meetings should not be viewed as a “rubber stamp” for advice or recommendations generated in a blog.
- c. Each DFO should consult with the Office of the Legal Adviser on questions regarding the use of social media by his or her advisory committee.

## **11 FAM 815.6 Canceled Meetings**

*(CT:POL-50; 10-28-2011)*

- a. The DFO should publicly announce the cancellation of a scheduled advisory committee as soon as possible.
- b. The office supporting the advisory committee will prepare the Federal Register notice and will provide it to the CMO as soon as the decision to cancel the meeting is made.
- c. The notice must state:
  - (1) The name of the advisory committee;
  - (2) Identify the meeting that is canceled, why it is canceled; and
  - (3) Cite the Federal Register data concerning the previous meeting notice.



- d. The DFO should also prepare a media note, announcing the cancellation.

## **11 FAM 815.7 Rescheduled Meetings**

*(CT:POL-50; 10-28-2011)*

When it is not feasible to hold an advisory committee meeting on the date that has been announced, such meeting may rescheduled for a later date by publishing a notice in the Federal Register. The notice must be published at least 15 days before the new date for the meeting.

## **11 FAM 815.8 Minutes**

*(CT:POL-50; 10-28-2011)*

- a. The Designated Federal Officer (DFO) of the advisory committee keeps detailed minutes of each advisory committee meeting.
- b. The minutes for an open meeting must at a minimum cover the following items:
  - (1) The time and place of the meeting;
  - (2) A listing of advisory committee members and staff and agency employees present at the meeting;
  - (3) A complete summary of matters discussed and conclusions reached;
  - (4) Copies of all reports received, issued, or approved by the advisory committee;
  - (5) A description of the extent to which the meeting was open to the public;
  - (6) An explanation of the extent of public participation, including a list of members of the public who presented oral or written statements; and
  - (7) An estimate of the number of members of the public who attended the meeting.
- c. The minutes for a closed meeting must include the information required for an open meeting, except those items relating to the presence of the public.
- d. The chairman of the advisory committee must certify the accuracy of the committee minutes within 90 days of the meeting to which the minutes relate.

## **11 FAM 816 REPORTS**

*(CT:POL-50; 10-28-2011)*

- a. There are two categories of reports on advisory committees. One category is concerned with management and the other with advisory activities.
- b. Management reports include:
  - (1) **Annual Comprehensive Review (ACR).**
    - (a) The ACR is an online FACA database of advisory committee information maintained by the Committee Management Secretariat of the GSA. The online database contains committee activity reported by Federal agencies on an annual basis. All reported data is available to the public for review, research, analysis, downloading and printing of committee activities. Results of the ACR encompass information compiled as an Annual Advisory Committee Report.
    - (b) The DFO conducts an annual comprehensive review for his or her committee on a fiscal year basis. The data being reported must be entered as the advisory committee activity occurs. The purpose of the ACR is to assist GSA in determining the continuing need for the advisory committee. The DFO files the ACR in the FACA database. The CMO verifies it. The due date is October 1 of each year.
  - (2) **Annual Report.** This is a calendar year report that covers the status of the committee. It is a component report for the President's annual report to the Congress. The due date is December 31 of each year.
  - (3) **Report of Closed Meeting(s).** The committee must prepare a summary of the activities and related matters discussed by a committee during a closed meeting. It is to be as informative as possible for the public, consistent with 5 U.S.C. 552(b) and 5 U.S.C. 552b. Report closed meetings in the Annual Comprehensive Review (without their content).
  - (4) **Other Reports.** The advisory committee's DFO will submit other management reports that may be required, including requests from the Committee Management Secretariat or Congressional Committees, by the requested due date.
- c. The advisory committee also issues advice to the Department. These are advisory activities reports. They are prepared by the advisory committee, not a Department official (unless acting as a member of the advisory committee). In addition to being presented to the Department, the committee reports them online to the GSA's FACA Web site, when the reports are prepared as a committee document.

- d. Submit all reports to the CMO.

## **11 FAM 817 RECORDS**

*(CT:POL-50; 10-28-2011)*

- a. The records of an advisory committee consist of all papers and documents that are prepared for or by the committee, or made available to the committee. The records are maintained by the office responsible for the committee. Such records include agendas, drafts of documents, minutes, notices, press releases (media notes), reports, studies, transcripts, and working papers of the chartered committee. Unless there is an applicable Department schedule, advisory committee records are handled pursuant to General Records Schedule 26, Item 2.
- b. The CMO maintains the Department's official records relating to the overall management of Department committees.

### **11 FAM 817.1 Financial Records**

*(CT:POL-50; 10-28-2011)*

Each committee's Designated Federal Officer must keep accurate records of all committee operating and salary cost.

### **11 FAM 817.2 Records Availability**

*(CT:POL-50; 10-28-2011)*

Timely access to advisory committee records is an important element of the public access requirements of the Act. Section 10(b) of FACA provides for the contemporaneous availability of advisory committee records that, when taken in conjunction with the ability to attend committee meetings, provide a meaningful opportunity to comprehend fully the work undertaken by the advisory committee. Advisory committee records may be withheld if there is a reasonable expectation that the records sought fall within the exemptions contained in 5 U.S.C. 552(b)(5). However, agencies may not require members of the public or other interested parties to file a FOIA request for advisory committee records that are not subject to an exemption.

## **11 FAM 818 PUBLIC INQUIRIES**

*(CT:POL-50; 10-28-2011)*

Public inquiries concerning the implementation of the Federal Advisory Committee Act and the management of the advisory committees of the Department should be addressed to the Committee Management Officer,

Chief Financial Office, Department of State, Washington, D.C. 20520.

## **11 FAM 819 UNASSIGNED**

*(CT:POL-50; 10-28-2011)*

# **11 FAM EXHIBIT 812.1A**

## **SAMPLE CHARTER AND MEMBERSHIP BALANCE PLAN (DISCRETIONARY COMMITTEE)**

*(CT:POL-50; 10-28-2011)*  
*(Office of Origin: L/M)*

### **CHARTER OF THE ADVISORY COMMITTEE ON INTERNATIONAL ECONOMIC POLICY**

#### **1. Committee's Official Designation.**

The official designation shall be the Advisory Committee on International Economic Policy ("the Committee").

#### **2. Authority.**

The Committee is established under the general authority of the Secretary of State and the Department of State as set forth in Title 22 of the United States Code, in particular Section 2656 of that Title and consistent with Federal Advisory Committee Act (5 U.S.C., Appendix). The Under Secretary for Management's approval of this charter constitutes a determination by the Secretary of State that the establishment and operation of the Committee are in the public's interest in connection with performance of duties of the Department of State.

#### **3. Objectives and Scope of Activities.**

The objective of the Committee is to bring to the United States Government a source of expertise, knowledge and insight not available within the Department or elsewhere in the government on these issues. The Committee will provide advice and assistance in the formulation of U.S. policy, positions, proposals and strategies for multilateral and bilateral negotiations, business outreach, and commercial diplomacy particularly where the State Department has the lead negotiating authority. The Committee will consult with other interested parties, agencies and interagency committees and groups of the United States Government, and with private groups and individuals as the Department of State and the Committee decide are necessary or desirable.

#### **4. Description of Duties.**

The Committee provides advice on major issues and problems in international economic policy, including performance of the following functions:

- (a) To provide information and advice on the effective integration of

economic interests into overall foreign policy;

- (b) To appraise the role and limits of international economic institutions; and
- (c) To provide information and advice on the Department of State's role in advancing American economic and commercial interests in a competitive global economy.

The Committee's activities will be advisory only.

#### **5. Agency or Official to Whom the Committee Reports.**

The Committee shall report to the Assistant Secretary of State for Economic, Energy and Business Affairs or as the Assistant Secretary may direct depending on the subject matter of the report. Such reports may be oral or written.

#### **6. Support.**

The Department of State, Bureau of Economic, Energy and Business Affairs shall supply all staff and support functions for the Committee.

#### **7. Estimated Annual Operating Costs and Staff Years.**

All funding necessary for the organization and operation of the Committee shall be supplied from funds available to the Bureau of Economic, Energy and Business Affairs. Projected FTE are as follows: 0.30 for the Executive Secretary, and 0.18 for additional staff officers. Projected annual costs of operation are:

Federal Staff	\$57,238.00
Other	<u>2,000.00</u>
Total	\$59,238.00

The members of the Committee shall serve without compensation.

#### **8. Designated Federal Officer.**

The Executive Secretary, who shall be the Assistant Secretary's designee, shall be the Designated Federal Officer. He or she will approve and attend all meetings and shall advise the Chair to adjourn, or shall himself/herself adjourn any meeting when in the public interest. The Executive Secretary will prepare and approve the agenda, and shall insure that the minutes of each meeting are prepared, the accuracy of which the Chair shall certify, and which shall at a minimum contain: a record of the membership present; members of the public who participate in the meeting and the interest and affiliations they represent; a description of matters and material discussed and the conclusions, if any, reached, and the rationale for any recommendations made by members of the Committee. The Executive Secretary will also maintain copies of all reports the Committee receives, issues or approves.

## **9. Estimated Number and Frequency of Meetings.**

It is anticipated that the Committee will meet at least once a year and at such other times and places as are required to fulfill the objectives of the Committee. Subcommittees and working groups will meet as appropriate for their assigned responsibilities. The following applies to the meetings:

The Chair shall preside over all meetings of the Committee. The Chair will participate in the development of the Committee's program.

One of the Vice Chairs shall act as Chair in the absence of the Chair.

## **10. Duration.**

It is anticipated that there will be a continuing need for the advice offered by the Committee. The Department will periodically review this need.

## **11. Termination.**

In accordance with P.L. 92-463, Section 14(a) (1), the Committee will terminate two years from the date of filing this Charter, unless it is formally determined to be in the public interest to continue it for another two years.

## **12. Membership and Designation.**

The size of the Committee shall not be fixed, except that total membership will not exceed 60 members.

The membership of the Committee will consist of representatives of American organizations and institutions having an interest in international economic policy, and may include: representatives of American business with significant international trade interests; representatives of American labor unions, state and local government officials, public interest groups, and/or trade and professional associations, whose membership stands to be affected by international economic policy; legal or business consultants well-versed in such economic and trade aspects of foreign affairs; and academics representative of the various scholarly approaches to international economic policy.

The Assistant Secretary of State for Economic, Energy and Business Affairs (the Assistant Secretary) shall invite the members to serve for a period of two years or less. Vacancies may be filled as they occur.

The officers of the Committee shall consist of a Chair, two Vice Chairs, an Executive Secretary and such other positions as the Assistant Secretary shall determine, and the Assistant Secretary shall appoint these individuals at such times and for such periods as he or she shall determine, except that the Executive Secretary shall be that person designated in Paragraph 8 hereof.

## **13. Subcommittees.**

The Assistant Secretary may establish appropriate subcommittees or

working groups to carry out assigned responsibilities. The Committee shall provide such guidance and direction as is necessary and appropriate to ensure the effective functioning of such subcommittees or working groups as established. Any subcommittees must report back to the Committee, and shall not provide advice or work products directly to the Department of State.

**14. Recordkeeping.**

The records of the committee and any subcommittees shall be handled in accordance with General Records Schedule 26, Item 2, and shall include, for example, all papers and documents pertinent to the Committee's establishment and activities, including its Charter, agendas, determinations for closing Committee meetings to the public, proceedings, the membership list of the Committee, all written communications between the Department and the Committee, and all written materials and reports considered by the Committee. These records shall be available for public inspection and copying, subject to the Freedom of Information Act, 5 U.S.C. § 552.

**15. Filing date: *[to be filled in when the charter is filed]*:**

Now, thereby, this Charter shall be considered approved by the Department of State as of this date and shall be considered filed as of the date when copies have been provided to the appropriate standing committees of the Senate and the House of Representatives having legislative jurisdiction over the Department of State and to the Library of Congress pursuant to the provisions of the Federal Advisory Committee Act.

APPROVED:

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Patrick F. Kennedy  
Under Secretary of  
State for Management

DATE:

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**Membership Balance Plan  
Overseas Schools Advisory Council  
U.S. Department of State**

**1. Name.** Overseas Schools Advisory Council (OSAC)

**2. Authority.** 22 U.S.C. §2656

**3. Mission/Function.** The Overseas Schools Advisory Council was established March 1, 1967, by the Department of State to seek the advice of a selected group of American leaders from the business, foundation, and educational communities, on issues affecting the American-sponsored elementary and secondary schools abroad that are assisted by the Department of State. The main objectives of the Council are:

- (a) To advise the Department of State regarding matters of policy and funding for the overseas schools.
- (b) To help the overseas schools become showcases for excellence in education.
- (c) To help make service abroad more attractive to American citizens who have school-age children, both in the business community and in Government.
- (d) To identify methods to mitigate risks to American private sector interests worldwide.

**4. Points of View.**

- (a) Perspectives that should be represented on OSAC. Members need to be executives of businesses and foundations and leaders in the professional and educational communities in order to provide advice to the Department in pursuing the goal of assuring quality education for U.S. citizen children attending Department-assisted schools overseas.
- (b) Approximate number of individuals that should represent each area of expertise or perspective. The Council is a public-private partnership that provides advice to the Department on issues affecting Department-assisted overseas schools. The Council's Charter authorizes 25 members. Of this number, 22 should be from the Business/Foundation Community and three from the Education Community. In addition, the Executive Secretary of the Council, who is the Director of the Office of Overseas Schools and a member of the Council's Executive Committee, is a professional educator. This mix ensures that the U.S. business community, whose overseas employees use these schools for the education of their dependents, continues as the Council's principal group for providing information and advice about issues affecting the schools. In addition this mix provides that the Department will have the views

of professional educators on these issues. Through this approach, the Department has structured the Council in a manner that provides comprehensive information and advice on education issues affecting U.S. citizen dependents of overseas employees of private sector firms and those of USG agencies.

- (c) How appointments are made. The Department of State seeks members of the business, foundation and education communities for appointment as Representative members of their organizations on the Council. These individuals need to have strong interest in helping Department -assisted overseas schools become centers of excellence in education and in helping make service abroad more attractive to U.S. citizens with school-age children, both in the business community and in the U.S. Government. These individuals should also have experience at the policy making level in their organizations in order to provide advice to the Department on educational issues affecting these schools. Therefore, the Department strives, where possible, to appoint Representative members who are at the Vice President level or higher in their organizations. In addition, when a vacancy on the Council occurs, the Department first seeks to appoint executives from the same organization in order to assure continuity of experience and participation in Council activities.

**5. Other Balance Factors.** In addition to the above factors, the Department in making appointments to the Council seeks to have a mix of Representative members from both operating and human resources units of business organizations. Executives with operational responsibilities often have served overseas in their organizations and have had children in Department-assisted overseas schools or have served on the boards of these schools. Human resources executives have responsibilities for policies and programs that support employees who are assigned to their organization's overseas offices or facilities. These policies and programs, which human resources business executives design and administer, usually include ensuring the availability of appropriate educational opportunities for the dependents of the organization's employees assigned abroad. This activity parallels the interest of the Department in providing for appropriate educational opportunities for the dependents of USG employees assigned overseas.

**6. Candidate Identification Process.** As stated above, the Department seeks members of the business, foundation and education communities for appointment as Representative members of their organizations on the Council. These individuals need to have a strong interest in helping Department -assisted overseas schools become centers of excellence in education and in helping make service abroad more attractive to U.S. citizens with school-age children, both in the business community and in

the U.S. Government. These individuals should also have experience at the policy making level in their organizations in order to provide advice to the Department on educational issues affecting these schools. Therefore, the Department strives, where possible, to appoint Representative members who are at the Vice President level or higher in their organizations. In addition the Department seeks to have a mix of Representative members from both operating and human resources units of business organizations. Executives with operational responsibilities often have served overseas in their organizations and have had children in Department-assisted overseas schools or have served on the boards of these schools. Human resources executives have responsibilities for policies and programs that support employees that are assigned to their organization's overseas offices or facilities.

The key official that determines the balance on the Council is the Director of the Office of Overseas Schools. The Director serves as the Executive Secretary of the Council. When a Council vacancy occurs, the Executive Secretary first seeks to appoint a business executive from the same organization who meets the balance requirements described above. The purpose is to assure continuity of experience and participation in Council activities. If such a candidate is not available, the Executive Secretary consults with Council members to identify candidates possessing the required balance factors from other U.S. businesses that do not have Representative members on the Council. Usually a suitable candidate is identified within 30 to 60 days.

OSAC appointments have no fixed term limit. Because many of the Council members are on career tracks in their organizations that lead to greater responsibilities and promotions, turnovers frequently occur and new members are appointed. On average, the Department appoints three to five new members annually.

- 7. Subcommittee Balance.** The Council's Charter establishes an Executive Committee of the Council, a subcommittee comprised of selected members of the Council. The purpose of the Executive Committee is to assist and advise the Council on policy and financial matters relating to Department-assisted overseas schools. The Executive Committee provides advice to the Council on matters of policy and finance in preparation for meetings of the Council and develops and submits proposals to the Council for preliminary consideration prior to regular Council meetings. In addition, the Executive Committee performs all administrative functions related to Council meetings, such as setting the agenda, convening and adjourning meetings and preparing meeting minutes. The Council's Charter provides that the officers of the Executive Committee are the same as the officers of the Council. These are the Chair, the two Vice Chairs and the Executive Secretary. Other members of the Executive Committee will be selected from the membership by the

#### Council Chair.

The Council's Charter provides that the Chair and the two Vice Chairs serve up to two terms of two years each or a maximum of four years. This turnover requirement helps to provide for new perspectives for the Council's activities. While the Council members that usually serve in these positions represent the U.S. business/foundation community, the Executive Secretary is from the education community. In addition the Council Chair, in selecting other Council members for the Executive Committee, strives to choose members of the education community as well as female and minority members of the Council to provide for a broad range of viewpoints.

The Council has established an Education Committee that considers proposals from regional associations of overseas schools to enhance the educational programs of the Department-assisted overseas schools. The membership of this committee includes the Council Chair, one of the Vice Chairs, a Representative member from the education community, and two Representative members from the business/foundation community who have had several years of experience serving on the Council. This mix ensures a cross section of representatives from the Council's leadership and the education and business/foundation communities, as well as experience in carrying out the Council's activities.

- 8. Other.** The Council currently has 22 Representative members who are senior business executives. Of this number, eight are women and one is a minority. These are not explicit balance factors in selecting Council members, but are highly desirable in achieving diversity of viewpoints on the Council.

- 9. Date Prepared.** 11/24/2010.

## **11 FAM EXHIBIT 812.1B**

### **SAMPLE FEDERAL REGISTER NOTICE OF INTENT TO ESTABLISH A COMMITTEE**

*(CT:POL-50; 10-28-2011)*  
*(Office of Origin: L/M)*

**NOTE:** See 2 FAM 1120 for instructions on publishing in the Federal Register.

DEPARTMENT OF STATE

Public Notice: *(leave blank)*

THE ADVISORY COMMITTEE ON THE 100,000 STRONG INITIATIVE

AGENCY: Department of State

ACTION: Notice of intent to establish an advisory committee

The Secretary of State announces an intent to establish the Advisory Committee on the 100,000 Strong Initiative, in accordance with the Federal Advisory Committee Act.

Nature and Purpose: The Committee will provide advice and assistance in the implementation of the 100,000 Strong Initiative through development of program standards, promotion of the program and commercial diplomacy pertaining to increasing the number of students studying abroad in China and increasing access to these programs for underrepresented groups. The objective of the Committee is to bring to the United States Government an additional source of expertise, knowledge and insight to deepen and broaden the knowledge base available to the State Department and elsewhere in the government on these issues. The Committee will advise exclusively on the 100,000 Strong Initiative and will not advise other State Department educational and cultural programs.

Other information: It is anticipated that the advisory committee will meet once per year. More information on the 100,000 Strong Initiative may be found at [http://www.state.gov/p/eap/regional/100000\\_strong/index.htm](http://www.state.gov/p/eap/regional/100000_strong/index.htm).

The Department of State Affirms that the advisory committee is necessary and in the public interest.

For further information, please contact: [name] at [telephone number].

# **11 FAM EXHIBIT 812.2**

## **SAMPLE CHARTER FOR A STATUTORY ADVISORY COMMITTEE**

*(CT:POL-50; 10-28-2011)*  
*(Office of Origin: L/M)*

### **Charter of the Advisory Committee on Historical Diplomatic Documentation**

#### **1. Committee's Official Designation (Title)**

The Committee's designation is the Advisory Committee on Historical Diplomatic Documentation ("Committee").

#### **2. Authority**

The Committee is established under the authority of Sec. 198 of the Foreign Affairs Authorization Act, Fiscal Years 1992 and 1993, P.L. 102-138, which added Title IV to the State Department Basic Authorities Act of 1956 (22 U.S.C. §§ 4351-4357) (hereinafter "the SDBAA"), as amended in the Foreign Relations Authorization Act, Fiscal Year 2003, and the Federal Advisory Committee Act (hereinafter "FACA"), P.L. 92-463. In accordance with Section 406(f)(3) of the SDBAA, the FACA applies to the Committee only to the extent that its provisions are not inconsistent with the SDBAA.

#### **3. Objectives and Scope of Activities**

The Committee shall, in accordance with P.L. 102-138, Sec. 198, review records, and advise and make recommendations to the Historian of the Department of State concerning all aspects of preparation and publication of the Foreign Relations of the United States historical series, including the review and selection of records for inclusion in the series. This advisory role does not extend to personnel issues in the Office of the Historian covered by internal Department of State or Federal personnel regulations and for which the Department of State already has established remedial channels.

The Committee shall also review Department of State procedures for the declassification of Department records, their transfer to the National Archives and Records Administration, and their opening for public inspection and copying. This process will include the review of all declassification guidelines and the random sampling of representative Department records that must remain classified after 30 years.

#### **4. Description of Duties**

The Committee shall annually submit an unclassified report at the end of the calendar year to the Secretary of State and to the Committee on Foreign

Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives. The report shall: (i) apprise the Secretary of the results of the Committee's review of Department of State declassification procedures, declassification guidelines, and random samplings of documents remaining classified after 30 years; (ii) summarize the Committee's recommendations regarding the preparation and publication of the Foreign Relations series; (iii) advise the Secretary of any determination by the Committee that records proposed for, or already included in, a Foreign Relations volume have been so altered or changed by deletions made during the declassification review process that such records could be misleading or lead to an inaccurate or incomplete historical record; and (iv) advise the Secretary of any determinations by the Committee that the selection of any group of documents relating to a particular topic and proposed for, or already included in, a Foreign Relations volume could be misleading or lead to an inaccurate historical record.

The Executive Secretary will supply copies of the report to the Library of Congress, to the organizations represented on the Committee, and to other interested persons. The Committee may also make to the Assistant Secretary of State for Public Affairs for appropriate action ad hoc, written or oral reports or recommendations regarding the preparation of the Foreign Relations series.

## **5. Agency or Official to Whom the Committee Reports**

The Committee reports to the Secretary of State.

## **6. Support**

The Department of State provides the necessary support for the Committee.

## **7. Estimated Annual Operating Costs and Staff Years**

Compensation and travel allowances for the members of the Advisory Committee shall be provided at a level and in accordance with the provisions of Sec. 406(f) of the SDBAA.

Funds for operation of the Advisory Committee will be supplied from the miscellaneous allotments of the Bureau of Public Affairs.

The estimated annual operating cost of the Committee from the Bureau of Public Affairs program funds is less than \$75,000. An estimated total of 3.4 person years, equivalent to approximately \$200,000 in pro-rated salaries is required of personnel of the Department of State who provide "necessary secretarial and staff support" for the Committee required by Sec. 406(f)(2) of the SDBAA.

## **8. Designated Federal Officer**

The Historian of the Department shall serve as the Executive Secretary of the Committee, and the Designated Federal Officer. The Executive Secretary

shall convene all meetings, prepare an agenda for each meeting, and prepare minutes of each meeting, which as a minimum shall contain: a record of the persons present; a comprehensive summary of the discussions and conclusions; copies of all determinations, recommendations, and reports received, issued, or approved by the Committee; and a description of the extent to which the meeting was open to the public. The Chairperson shall certify the accuracy of the Committee's minutes.

### **9. Estimated Number and Frequency of Meetings**

The Committee is required by Sec. 406(d) of the SDBAA to meet at least quarterly or as frequently as may be necessary to carry out its duties. Its meetings shall be held on dates determined by the Executive Secretary in consultation with the Committee and its Chairperson. The Executive Secretary must attend all Committee meetings and may adjourn any Committee or subcommittee meeting in accordance with FACA. A majority of the members of the Advisory Committee shall constitute a quorum. The Historian may create subgroups or subcommittees to study matters within the Committee's duties and jurisdiction and such subgroups or subcommittees shall report to the Committee, and shall not report directly to the Department of State.

### **10. Duration**

In accordance with Sec. 406(a)(1) of the SDBAA, the Advisory Committee is permanent.

### **11. Termination**

In accordance with P.L. 92-463, Sec. 14(a)(1), the Committee's Charter must be renewed after each two-year term.

### **12. Membership and Designation**

The Chairperson of the Committee shall be selected for a term of one year by the Committee, in accordance with Sec. 406(c) of the SDBAA. The Chairperson may be re-elected. Pursuant to Sec. 406(a) of the SDBAA, the Committee shall be composed of nine members from the organizations listed in Sec. 406(a)(3), and an Executive Secretary.

The members of the Committee shall be selected by the Assistant Secretary of State for Public Affairs under a delegation of authority from the Secretary of State and in accordance with the specific qualifications, nomination procedures, and length of terms on the basis of the provisions of Sec. 406 of the SDBAA.

The Historian of the Department shall coordinate the provision of necessary security clearances and access to documentation, both of the Department and of other agencies, required by Committee members in accordance with Secs. 403(a), 403(b)(5), and 406(e) of the SDBAA.



### **13. Subcommittees**

The Historian of the Department has the authority to create subcommittees. Any subcommittees must report back to the parent committee, and do not provide advice or work products directly to the agency.

### **14. Recordkeeping**

Subject to 5 U.S.C. § 552(b), records, reports, transcripts, minutes, appendixes, working papers, drafts, studies, agenda, or other documents made available to or prepared for or by the Committee shall be made available for public inspection and copying in accordance with the Department's Freedom of Information Act regulations (22 CFR Subchapter R, Part 171). The summary minutes of Committee meetings will be reviewed by responsible declassification officials and made available on the Department's World Wide Web site (<http://www.history.state.gov/about/hac>) as soon as possible after each meeting.

The permanent records of the Committee shall consist of classified and unclassified papers and documents pertinent to its establishment and activities, including its charter, agenda, determinations for closed meetings, minutes, communications between the Department and members of the Committee, and written materials and reports considered and/or issued by the Committee. The records will be handled in accordance with General Records Schedule 26, Item 2. All of the Committee's permanent substantive records are scheduled for transfer to the National Archives and Records Administration after 2 years.

### **15. Filing Date [*to be filled in when the charter is filed*]**

A copy of this Charter shall also be furnished to the General Services Administration, the Library of Congress, the Senate Foreign Relations Committee, and the House Committee on Foreign Affairs, as provided by law.

APPROVED

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Patrick F. Kennedy  
Under Secretary for Management

DATE

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## **11 FAM EXHIBIT 815.2A**

### **SAMPLE FEDERAL REGISTER NOTICE FOR OPEN MEETING**

*(CT:POL-50; 10-28-2011)*  
*(Office of Origin: L/M)*

**NOTE:** See 2 FAM 1120 for instructions on publishing in the Federal Register.

Billing Code xxxxxxxx

DEPARTMENT OF STATE

Public Notice *(leave blank)*

TITLE: Defense Trade Advisory Group; Notice of Open Meeting

SUMMARY: The Defense Trade Advisory Group (DTAG) will meet in open session from 10 a.m. to 1:30 p.m. on Tuesday, May 3, 2011, in the Dean Acheson Auditorium at the U.S. Department of State, Harry S. Truman Building, Washington, DC. Entry and registration will begin at 9:00 a.m. Please use the building entrance located at 23rd Street, NW, Washington, DC, between C & D Streets. The membership of this advisory committee consists of private sector defense trade representatives, appointed by the Assistant Secretary of State for Political-Military Affairs, who advise the Department on policies, regulations, and technical issues affecting defense trade. The purpose of the meeting will be to discuss current defense trade issues and topics for further study. Agenda topics will be posted on the Directorate of Defense Trade Controls' website, at [www.pmddtc.state.gov](http://www.pmddtc.state.gov) approximately 2 weeks prior to the meeting.

Members of the public may attend this open session and will be permitted to participate in the discussion in accordance with the Chair's instructions. Members of the public may, if they wish, submit a brief statement to the committee in writing.

As access to the Department of State facilities is controlled, persons wishing to attend the meeting must notify the DTAG Alternate Designated Federal Officer (DFO) by close of business Friday, April 22, 2011. If notified after this date, the Department's Bureau of Diplomatic Security may not be able to complete the necessary processing required to attend the plenary session. A person requesting reasonable accommodation should notify the Alternate DFO by the same date.

Each non-member observer or DTAG member that wishes to attend this plenary session should provide: his/her name; company or organizational affiliation; phone number; date of birth; and identifying data such as driver's license number, U.S. Government ID, or U.S. Military ID, to the DTAG

Alternate DFO, [name] via e-mail at [name]@state.gov. A RSVP list will be provided to Diplomatic Security. One of the following forms of valid photo identification will be required for admission to the Department of State building: U.S. driver's license, passport, U.S. Government ID or other valid photo ID. Personal data is requested pursuant to Pub.L. 99-399 (Omnibus Diplomatic Security and Antiterrorism Act of 1986), as amended; Pub.L. 107-56 (USA PATRIOT Act); and Executive Order 13356. The purpose of the collection is to validate the identity of individuals who enter Department facilities. The data will be entered into the Visitor Access Control System (VACS-D) database. Please see the Privacy Impact Assessment for VACS-D at <http://www.state.gov/documents/organization/100305.pdf> for additional information.

For additional information, contact [name], PM/DDTC, SA-1, 12th Floor, Directorate of Defense Trade Controls, Bureau of Political-Military Affairs, U.S. Department of State, Washington, D.C. 20522-0112; telephone [number and fax number]; or e-mail [name]@state.gov .

## **11 FAM EXHIBIT 815.2B**

### **SAMPLE MEDIA NOTE FOR OPEN MEETING**

*(CT:POL-50; 10-28-2011)*  
*(Office of Origin: L/M)*

U.S. DEPARTMENT OF STATE

Office of the Spokesman

For Immediate Release

June 23, 2011

2011/

Media Note

Meeting of the Advisory Committee on  
International Communications and Information Policy

The Advisory Committee on International Communications and Information Policy (ACICIP) will meet on Tuesday, June 28 at 9:00 a.m. in The Loy Henderson Auditorium of the Harry S. Truman Building. The ACICIP serves the U.S. Government in a solely advisory capacity regarding current issues and concerns in international communications and information policy. The public and members of the press may attend this meeting as seating capacity allows.

The June 28 meeting will cover:

Discussions pertaining to various international telecommunications meetings and conferences, as well as bilateral meetings that have taken place recently.

Committee discussion of key issues of importance to U.S. communications policy interests including:

A presentation by the ACICIP International Disaster Response Sub-Committee of its initial recommendations to the Committee of actions the U.S. Government could consider to help facilitate enhanced public and private-sector/Non Government organization (NGO) information and communications technology (ICT) responses to international disasters.

"ICT and Development: Scaling the International Digital Divide – The Search for Sustainable Solutions and Mutual Value Propositions."

Admittance to the State Department building will be by means of a pre-arranged clearance list. In order to be placed on this list, please provide your

name, title, company or other affiliation if appropriate, government-issued identification number (such as Drivers License number and State), date of birth, and citizenship to the office of International Communications and Information Policy by fax [*number*] or email [*name*]*@state.gov*) by close of business on June 26. Authority for collecting the personal data was included in the Federal Register notice announcing this meeting. See 76 F.R. 33399.

For further information, please contact [*name*], Executive Secretary to the Advisory Committee on International Communications and Information Policy, at [*telephone number*] or [*name*]*@state.gov*.

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# **11 FAM EXHIBIT 815.4**

## **SAMPLE FEDERAL REGISTER NOTICE FOR CLOSED MEETING**

*(CT:POL-50; 10-28-2011)*  
*(Office of Origin: L/M)*

### **For use after the formal determination to close the meeting**

**NOTE:** See 2 FAM 1120 for instructions on publishing in the Federal Register.

Billing No.

U.S. State Department

Public Notice *(leave blank)*

INTERNATIONAL SECURITY ADVISORY BOARD (ISAB) MEETING Notice

Closed Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App § 10(a)(2), the Department of State announces a meeting of the International Security Advisory Board (ISAB) to take place on July 12, 2011, at the Department of State, Washington, D.C.

Pursuant to section 10(d) of the Federal Advisory Committee Act, 5 U.S.C. App § 10(d), and 5 U.S.C. § 552b(c)(1), it has been determined that this Board meeting will be closed to the public in the interest of national defense and foreign policy because the Board will be reviewing and discussing matters classified in accordance with Executive Order 12958. The purpose of the ISAB is to provide the Department with a continuing source of independent advice on all aspects of arms control, disarmament, political-military affairs, and international security and related aspects of public diplomacy. The agenda for this meeting will include classified discussions related to the Board's ongoing studies on current U.S. policy and issues regarding arms control, international security, nuclear proliferation, and diplomacy.

For more information, contact [name], Executive Director of the International Security Advisory Board, Department of State, Washington, D.C. 20520, telephone: [number].